

Message Text

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ACTION L-03

INFO OCT-01 ARA-10 EUR-12 ISO-00 AF-10 EA-10 NEA-11
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NRC-05 OES-07 SOE-02 DODE-00 SS-15 SP-02 CEQ-01
PM-05 /142 W

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R 211526Z JUN 78
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 6909
INFO AMEMBASSY BELGRADE
AMEMBASSY MEXICO
USDOEHQ WASHDC
USDOEHQ GERMANTOWN

C O N F I D E N T I A L SECTION 01 OF 03 VIENNA 05700

USIAEA

DEPT PASS IO/SCT
DOE PASS AMMONS, IA

E.O. 11652: GDS
TAGS: IAEA, TECH, PARM, MX
SUBJECT: MEXICAN VIEWS RE PROPOSED AMENDMENT TO U.S.-IAEA
AGREEMENT FOR COOPERATION

REF: A) STATE 138630, B) VIENNA 4141

1. SUMMARY: MISOFFS MET JUNE 19 WITH MEXICAN AMBASSADOR
GARCIA-LOPEZ AND FERNANDO PRIETO, UNIT OF SPECIAL INTER-
NATIONAL AFFAIRS, INEN, FOR FURTHER DISCUSSIONS RE
MEXICAN SUGGESTIONS FOR AMENDMENT TO U.S.-IAEA AGREEMENT
FOR COOPERATION (REFTELS) AND OTHER MATTERS. MEXICANS
WERE MOST CORDIAL AND EXPRESSED DESIRE FOR CONTINUING
INFORMAL DISCUSSIONS OF THIS SORT IN ORDER TO RESOLVE
DIFFICULTIES, IF POSSIBLE, ON MATTERS OF MUTUAL INTEREST
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AS MEANS OF FACILITATING MORE FORMAL ARRANGEMENTS THROUGH
IAEA. THEY ALSO EXPRESSED PARTICULAR INTEREST IN HAVING
PRE-BOARD AND PRE-GENERAL CONFERENCE CONSULTATIONS ON
ISSUES TO BE CONSIDERED BY THOSE BODIES, WITH VIEW TO
MINIMIZING, IF POSSIBLE, UNNECESSARY AND LENGTHY DEBATES
IN FORMAL SESSIONS. MISOFFS WELCOMED MEXICAN DESIRE FOR
SUCH DISCUSSIONS AND CONSULTATIONS AND ASSURED THEM THAT

WE ARE FULLY PREPARED TO DO THIS. DETAILS FOLLOW. END SUMMARY.

2. WE WENT OVER POINT-BY-POINT THE SPECIFIC MEXICAN COMMENTS ON THE PROPOSED AMENDMENT TO THE U.S.-IAEA AGREEMENT FOR COOPERATION AND CONVEYED U.S. RESPONSES PER PARA 2 REF A.

3. MEXICANS APPRECIATED FACT THAT REFERENCES TO "AGENCY'S STATUTE" IN SECTIONS (B)(2) AND (J)(2) SEEMED INAPPROPRIATE, SINCE AGENCY'S STATUTE DOES NOT RPT NOT ADDRESS TERMINATION OF SAFEGUARDS. THEY ACCEPTED THIS EXPLANATION AND DROPPED THE ISSUE.

4. RE SPECIFIC PROHIBITION OF ANY OTHER NUCLEAR EXPLOSIVE DEVICE, ETC., PRIETO CORRECTLY ANTICIPATED AND UNDERSTOOD OUR RESPONSE. AT THIS POINT, MISOFF SOUGHT MORE DETAILED EXPLANATION OF MEXICAN CONCERNS IN VIEW OF MEXICO'S UNDERTAKING IN ITS NPT/TLATELOLCO SAFEGUARDS AGREEMENT WITH IAEA (ARTICLE I OF INFCIRC/197) AND IN THE NPT ITSELF, NOTING THAT WE FOUND IT DIFFICULT TO UNDERSTAND HOW THEIR CONCERNS AND THIS UNDERTAKING COULD BE RECONCILED. IN MOST REVEALING STATEMENT, EMPHASIZING, HOWEVER, THAT HE WAS SPEAKING PERSONALLY, PRIETO ARGUED THAT MEXICO SHOULD HAVE THE RIGHT TO BENEFIT FROM PEACEFUL NUCLEAR EXPLOSIONS IF THEY EVENTUALLY PROVED USEFUL AND THAT MEXICO SHOULD

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NOT RPT NOT BE DENIED THE USE OF ITS OWN NATURAL RESOURCES FOR THIS PURPOSE. (IT WAS VERY CLEAR THAT PRIETO HAD IN MIND THAT MEXICO ITSELF SHOULD HAVE THE RIGHT TO DEVELOP AND USE PEACEFUL NUCLEAR EXPLOSIVES AND NOT RPT NOT RELY ON PNE SERVICES PROVIDED BY NWS PURSUANT TO ARTICLE V OF NPT.) MOREOVER, PRIETO SAID THAT MEXICO WOULD NOT RPT NOT NECESSARILY HAVE ANY CONTROL OVER WHAT SOME OTHER STATE DID WITH NUCLEAR MATERIAL PRODUCED IN MEXICO, AND MEXICO WOULD BE UNABLE, THEREFORE, TO ASSURE THAT SUCH MATERIAL WAS USED OR NOT RPT NOT USED SUBSEQUENTLY IN A NUCLEAR EXPLOSIVE DEVICE. (NOTE THAT THERE ARE SERIOUS LEGAL FLAWS IN HIS ARGUMENT.) WHEN MISOFF POINTED OUT AGAIN THAT THESE VIEWS APPEARED TO CONTRADICT THE UNDERTAKING IN ARTICLE I OF MEXICO'S NPT/TLATELOLCO SAFEGUARDS AGREEMENT WITH IAEA, HE SAID THAT AGREEMENT MAY HAVE BEEN ENTERED INTO HASTILY AND THAT CIRCUMSTANCES HAVE SINCE CHANGED. HE WISHED, THEREFORE, TO AVOID SIMILAR COMMITMENTS IN OTHER AGREEMENTS. COMMENT: AT THIS POINT, MISOFF WAS SO TAKEN ABACK, THAT IT WAS FELT BETTER NOT RPT NOT TO PUSH PRIETO FURTHER INTO A CORNER, BUT INSTEAD TO SHIFT THE DISCUSSION TO OTHER ITEMS. END COMMENT. PRIETO SAID HE IS FULLY AWARE OF U.S. VIEWS ON PNE ISSUE, BUT URGED THAT

WE "THINK" ABOUT THE MATTER.

5. MEXICANS WERE PLEASED TO HAVE CONFIRMATION THAT RECIPIENT MEMBER STATES WOULD HAVE THE OPTION OF EITHER INFORMING THE USG DIRECTLY OR THROUGH THE AGENCY ON THE STATUS OF INVENTORIES BUT SUGGESTED THAT THE U.S. MAKE THIS CLEAR IN A STATEMENT AT THE BOARD MEETING WHEN THE AMENDMENT IS CONSIDERED. MISOFF INDICATED THAT THIS SHOULD BE POSSIBLE AND WE WILL CERTAINLY KEEP IT IN MIND.

6. RE REFERENCES TO AGREEMENT BY THE U.S. IN SECTIONS

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C O N F I D E N T I A L SECTION 02 OF 03 VIENNA 05700

C, D, E AND H OF ANNEX, WE POINTED OUT DIFFICULTY AGENCY SECRETARIAT HAD IN ACCEPTING PROVISIONS WHICH WOULD INVOLVE AGENCY IN THOSE DECISIONS, BUT APPRECIATED STRONG MEXICAN DESIRE TO MAINTAIN ITS LINKS WITH IAEA IN ALL ASPECTS OF IMPLEMENTATION OF SUPPLY AGREEMENTS. WE WOULD LIKE TO HELP, BUT PROBLEM WAS WITH AGENCY SECRETARIAT. PRIETO INDICATED HE WOULD PURSUE MATTER WITH AGENCY SECRETARIAT. HE MADE SEVERAL REFERENCES IN ONE WAY OR ANOTHER TO THE FACT THAT THE U.S. "COULD DO ANYTHING IT WANTED" IN MEXICO, AS LONG AS IT WAS DONE THROUGH THE AGENCY. HE SPECIFICALLY MENTIONED IN THIS CONNECTION THE RECENT EXAMPLE INVOLVING THE SENDING OF A PHYSICAL PROTECTION TEAM TO MEXICO, WHICH HE SAID WAS NOW BEING HANDLED SATISFACTORILY.

7. RE REFERENCE TO AGENCY DOCUMENT INFCIRC/225/REV.1,
WE REITERATED THAT THE REFERENCE WAS ONLY INTENDED TO
IDENTIFY A SPECIFIC DOCUMENT AND NOT RPT NOT TO GIVE IT A
PARTICULAR STATUS, ALTHOUGH WE POINTED OUT THAT THE
GENERAL CONFERENCE IN A RESOLUTION ADOPTED AT ITS SESSION
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IN 1975 HAD, INTER ALIA, WELCOMED THE PUBLICATION OF THAT
DOCUMENT. PRIETO WAS VERY INTERESTED IN THAT FACT AND WE
GAVE HIM A COPY OF THE GC RESOLUTION IN QUESTION. SINCE
THE MEXICAN CONCERN RELATES PRIMARILY TO THE STATUS GIVEN
TO THE DOCUMENT, DELETION OF "AGENCY DOCUMENT," AS SUG-
GESTED REF A, IS STILL INSUFFICIENTLY PRECISE TO MAKE
CLEAR THAT THE DOCUMENT WAS NOT RPT NOT APPROVED BY THE
BOARD. IT WAS LEFT THAT WE WOULD TRY TO DEVELOP A
FORMULATION THAT WOULD BE ACCEPTABLE TO ALL CONCERNED. IN
THIS CONNECTION, WE WOULD APPRECIATE WASHINGTON VIEWS ON
DELETING THE WORD "AGENCY" BEFORE "DOCUMENT" AND ADDING
THE FOLLOWING PHRASE AFTER "INFCIRC/225/REV.1,": "PUBLISHED
BY THE AGENCY SECRETARIAT,".

8. RE PROPOSED REVISED VERSION OF SECTION I, MISOFF
CHECKED FIRST WITH AGENCY LEGAL DIVISION STAFF MEMBER TO
DETERMINE AGENCY SECRETARIAT'S REACTION TO LANGUAGE SUG-
GESTED PARA 2(F) REF A. REACTION WAS DISTINCTLY NEGATIVE,
ON GROUNDS, INTER ALIA, THAT THE CONCEPT OF ANOTHER INTER-
NATIONAL SAFEGUARDS SYSTEM WAS NOT RPT NOT SPECIFIED AS A
CRITERION IN THE NON-PROLIFERATION ACT, AND THAT OPANAL
HAS NO RPT NO SAFEGUARDS "SYSTEM" AS SUCH (ASSUMING THAT
IS WHAT DRAFTERS HAD IN MIND). SECRETARIAT SUGGESTED,
HOWEVER, THAT LANGUAGE BE FURTHER REDRAFTED TO MEET
MEXICAN CONCERN IN A WAY THAT WOULD BE ACCEPTABLE TO
AGENCY. MISOFF NEVERTHELESS PRESENTED U.S. PROPOSED
REVISION PARA 2(F) REF A TO MEXICANS, NOTING, HOWEVER,
THAT AGENCY SECRETARIAT HAD A PROBLEM WITH THE TEXT AND
THAT WE WOULD TRY OUR HAND AT SOME FURTHER REDRAFTING.
MEXICAN'S READ U.S. PROPOSED REVISION AND NOTED THAT IT
WAS EXACTLY WHAT THEY WERE LOOKING FOR AND THAT THEY
COULD AGREE WITH IT, BUT WERE WILLING TO CONSIDER OTHER
FORMULATIONS IN VIEW OF AGENCY SECRETARIAT'S POSITION.
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IN THIS CONNECTION, MISSION WOULD APPRECIATE WASHINGTON
VIEWS ON FOLLOWING REDRAFT, WHICH WE WOULD PROPOSE TO TRY
OUT ON AGENCY SECRETARIAT AND MEXICANS:

"SECTION I.

"ANY ARRANGEMENTS ENTERED INTO BY THE U.S. WITH A NON-NUCLEAR-WEAPON MEMBER STATE OR GROUP OF MEMBER STATES IN CONNECTION WITH ANY SUPPLY AGREEMENT SHALL PROVIDE THAT IN THE EVENT THE AGENCY IS FOR ANY REASON UNABLE TO CONTINUE TO APPLY ITS SAFEGUARDS, U.S. SAFEGUARDS OR OTHER APPROPRIATE SAFEGUARDS, AS THE GOVERNMENTS MAY AGREE, SHALL BE APPLIED IN THAT MEMBER STATE OR GROUP OF MEMBER STATES, WITH RESPECT TO SUCH MATERIAL, EQUIPMENT OR FACILITIES."

9. COMMENT: WE ARE PUZZLED AND DISTURBED AT CONTINUED MEXICAN INSISTENCE ON RESISTING EXPLICIT PROHIBITION OF ANY NUCLEAR EXPLOSIVE DEVICE, ETC. IT SIMPLY DOES NOT RPT NOT SQUARE WITH MEXICO'S HISTORICAL ROLE IN PROMOTING NUCLEAR NON-PROLIFERATION AND WE FIND IT HARD TO BELIEVE THAT IT REPRESENTS OFFICIAL GOM POLICY. NEVERTHELESS, WE BELIEVE IT DOES WARRANT SOME CONCERN AND SERIOUS ATTENTION BY WASHINGTON AGENCIES CONCERNED. PENDING FURTHER CLARIFICATION, HOWEVER, WE ARE INCLINED AT THIS STAGE TO ASCRIBE THEIR VIEWS TO AN ATTEMPT TO ALIGN THEMSELVES, RIGHTLY OR WRONGLY, WITH OTHER IMPORTANT LATIN AMERICAN STATES, SUCH AS BRAZIL AND ARGENTINA, WHICH HAVE EXPRESSED SIMILAR VIEWS IN THE PAST ON THE ISSUE, MUCH IN THE SAME WAY THEY HAVE CURIOUSLY ALIGNED THEMSELVES WITH A NUMBER OF G-77 COUNTRIES IN OPPOSING THE CONCEPT OF REQUIRING AGENCY SAFEGUARDS IN RELATION TO CERTAIN FORMS AND KINDS OF TECHNICAL ASSISTANCE PROVIDED BY THE

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AGENCY. THE RECENT APPARENT SHIFT BY THE BRAZILIANS ON THE PNE ISSUE, HOWEVER, IF AND WHEN MADE PUBLIC, COULD HAVE A FAVORABLE BEARING ON THE MEXICAN ATTITUDE. IT IS ALSO WORTH RE-EMPHASIZING THAT THE MEXICANS ARE HYPER-SENSITIVE ON THE QUESTION OF AVOIDING BILATERAL RELATIONSHIPS WITH THE U.S. AND INSTEAD PREFERRING TO WORK THROUGH THE AGENCY. THIS SHOULD BE KEPT CLEARLY IN MIND IN ANY FUTURE DEALINGS WITH MEXICO IN THE NUCLEAR FIELD. END COMMENT.

10. PRIETO ALSO MENTIONED THAT THE INEN TECHNICAL STAFF WERE PULLING TOGETHER NECESSARY INFORMATION IN SUPPORT OF THE MEXICAN REQUEST FOR ADDITIONAL HEU FUEL FOR THEIR TRIGA RESEARCH REACTOR. MISOFF EMPHASIZED U.S. POLICY OF ATTEMPTING TO REDUCE SHIPMENTS OF HEU AND ENCOURAGING USE OF LEU, NOTING IN THIS CONNECTION THAT THE MEXICAN TRIGA REACTOR FORMERLY USED 20 PERCENT ENRICHED MATERIAL. PRIETO ACKNOWLEDGED THIS AND SAID HE WOULD CONVEY OUR THOUGHTS TO INEN TECHNICAL STAFF INVOLVED. KIRK

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